
Third Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 24 of 2022

[L.S.]

AN ACT to create measures to regulate the business
of dealing in scrap metals and for other related
matters

[Assented to 20th December, 2022]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Scrap Metal Act, Short title and
2022. commencement

(2) This Act shall come into operation on such day as is fixed by the President by Proclamation.

Interpretation

2. In this Act, unless the context requires otherwise—

“AML/CFT/PF” means Anti-Money Laundering/Countering the Financing of Terrorism/Financing the Proliferation of Weapons of Mass Destruction;

Chap. 15:02

“authorised officer” means a police officer, a constable appointed under the Supplemental Police Act, a Public Health Inspector of a Corporation, an Environmental Officer of the Environmental Management Authority, or a Scrap Metal Inspector;

“CARICOM Member States” or “CARICOM” means the countries or territories which are party to the Revised Treaty of Chaguaramas establishing the Caribbean Community, as well as the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001;

Chap. 25:04

“Corporation” has the meaning assigned to it under section 2(1) of the Municipal Corporations Act;

"deal" in relation to scrap metal—

(a) includes buy, receive or otherwise acquire, transfer, store, export, and sell or otherwise dispose of, scrap metal in the way of trade or business, whether by way of barter, pledge or otherwise, and whether as principal or agent; but

(b) does not include a transaction relating to scrap metal which, by reason of the circumstances thereof, the parties thereto or the nature or quantity of the scrap metal involved therein, is an isolated transaction inconsistent with any form of dealing in scrap metal in the way of trade or business;

“dwelling house” means any premises, including any complementary outbuildings and adjacent land, which is used and occupied as a place of residence;

“Environmental Management Authority” means the Authority established under section 6 of the Environmental Management Act;

Chap. 35:05

“Environmental Officer” has the meaning assigned to it under section 2 of the Environmental Management Act;

Chap. 35:05

“ferrous metal” means metals that contain iron and have small amounts of other metals or other elements added, and includes metals such as cast iron, stainless steel and wrought iron;

“goods vehicle” has the meaning assigned to it under section 2 of the Motor Vehicles and Road Traffic Act;

Chap. 48:50

“industrial scrap metal” means scrap metal that is generated through a manufacturing process or generated from the retirement of obsolete metallic fixed assets;

“licence” means a licence issued by the Minister under section 5;

“marine stores” means second-hand cables, sails, old junk, or other second-hand marine stores of any kind;

“Minister” means the Minister to whom responsibility for trade is assigned;

“motor vehicle” has the meaning assigned to it under section 2 of the Motor Vehicles and Road Traffic Act;

“non-ferrous metal” means metals that do not contain iron, and includes metals such as nickel, aluminium, lead, zinc and tin, but does not include copper;

“old metal” means old metal, used or second-hand metal fittings, scrap metal, broken metal, partly manufactured metal goods, and defaced or old metal goods;

“premises” means any building, vessel, ship, motor vehicle, goods vehicle or receptacle, including any land or other place whether enclosed or not, which is used in the course of carrying on the business of dealing in scrap metal, whether or not metal is kept there;

“register” means a register established under section 29;

“scrap metal” includes any industrial scrap metal, old metal, second-hand metal, discarded metal, broken metal, defaced or old metal goods including machinery and plant whether wholly or partly manufactured, ferrous metal, non-ferrous metal, ferro-alloyed metal, marines stores, but does not include gold, silver, or metals of the plantinoid group;

“scrap metal collector” means a person licensed in accordance with section 6;

“scrap metal dealer” means a person who is licensed in accordance with section 6;

“Scrap Metal Inspector” means a public officer so designated by the Minister in accordance with section 27;

“site manager” in relation to a scrap metal site at which a scrap metal dealer carries on business, means the person who exercises day-to-day control and management of activities at the site;

“scrap metal site” means any premises listed in a scrap metal dealer’s licence where the business of dealing in scrap metal is undertaken, and includes an unlicensed site;

“Supervisory Authority” has the meaning assigned to it under section 18A of the Financial Intelligence Unit of Trinidad and Tobago Act.

Chap. 72:01

PART II

LICENSING

3. (1) No person shall carry on the business of a scrap metal collector unless he has previously obtained a scrap metal collector’s licence under this Act. Collectors and dealers to be licensed

(2) No person shall carry on the business of a scrap metal dealer unless he has previously obtained a scrap metal dealer’s licence under this Act.

4. (1) A person or entity who—

Eligibility for a licence

(a) is eighteen years of age or older and—

(i) is a citizen of Trinidad and Tobago;

(ii) is a permanent resident of Trinidad and Tobago; or

(iii) is a citizen of a CARICOM Member State, other than Trinidad and Tobago; or

(b) is a company, firm, partnership or co-operative society,

may apply for a licence.

(2) A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence, unless the conviction has been expunged under the Dangerous Drugs Act.

Chap. 11:25

Chap. 11:27

(3) A company, firm, partnership or co-operative society shall not be eligible for a licence unless at least thirty per cent of the company, firm, partnership or co-operative society is owned by persons referred to in subsection (1)(a).

(4) Subject to section 5, an application for a licence shall be accompanied by—

(a) a declaration in the prescribed form that, if the licence is granted, the licensee shall consent to the entry of authorised officers on any scrap metal site specified in the licence during working hours or such other times as the scrap metal site is open to the public or otherwise in use by the licensee, for the purpose of the exercise of their powers under this Act;

(b) a completed AML/CFT/PF risk assessment questionnaire in such form as may be prescribed;

(c) such other documents as may be prescribed.

(5) The Minister may require any further information to be submitted by an applicant within a specified time and may require verification by a statutory declaration of any information or fact then or previously submitted.

5. (1) The Minister shall have the power to grant, Minister to grant, revoke, etc., licence refuse, renew, vary, suspend or revoke a—

- (a) scrap metal collector's licence; and
- (b) scrap metal dealer's licence,

under this Act.

(2) A licence under subsection (1) may be granted, renewed, varied or suspended by the Minister, subject to any conditions, requirements or restrictions as the Minister considers necessary.

(3) A person or entity may apply for and be granted more than one licence issued by the Minister under this Act.

(4) The Minister shall not issue a licence retrospectively.

(5) A licence shall not be granted in respect of a dwelling house.

(6) A licensee shall comply with the conditions, requirements or restrictions of his licence.

(7) It shall be a condition of a licence that the licensee consents to the entry of authorised officers on any scrap metal site specified in the licence during working hours or such other times as the premises are open to the public or otherwise in use by the licensee, for the purpose of the exercise of their powers under this Act.

(8) Where the Minister grants a licence, he shall, within twenty-one days of his decision, cause the Supervisory Authority to be informed in writing of his decision.

Application for
licence

6. (1) A person or entity who—

- (a) deals or proposes to deal in scrap metal as a scrap metal collector; or
- (b) owns and operates or proposes to own and operate a scrap metal site as a scrap metal dealer,

shall apply to the Minister for the appropriate licence to do so in the prescribed form and pay the prescribed fee.

(2) A scrap metal collector's licence or a scrap metal dealer's licence shall be in the prescribed form and shall expire at the end of one year beginning on the day on which it is issued or renewed.

(3) A scrap metal collector's licence shall include the name of the licensee, and state the date on which the licence is due to expire.

(4) A person or entity applying for a scrap metal dealer's licence is required to name another person as the site manager of the scrap metal site stated in the application, and that other person shall be named in the licence as the site manager of the site.

(5) A site manager may be named in a scrap dealer's licence at more than one site; but no site may have more than one site manager named in relation to it.

(6) A licence issued to a scrap metal dealer authorises the licensee to carry on business at the scrap metal site listed in the licence.

(7) A scrap metal dealer's licence shall include the name of the licensee, identify all the scrap metal sites at which the licensee is authorised to carry on business, and state the date on which the licence is due to expire.

Refusal to grant
licence

7. Where an application for a licence is made under section 6, the Minister may refuse to grant the licence—

- (a) where the application contains or is based on a false or misleading representation or on information which is false or misleading;

- (b) to a person who—
 - (i) is under the age of eighteen years;
 - (ii) is an undischarged bankrupt; or
 - (iii) has been convicted, during the period of five years immediately preceding the date of the application, of an offence involving fraud or dishonesty;
- (c) where the applicant fails to satisfy any prescribed conditions;
- (d) where the applicant is not a fit and proper person, as prescribed, to be a licensee; or
- (e) where he is of the opinion that the issue of the licence would be contrary to the public interest.

8. (1) The Minister may renew a licence granted Renewal of licence under this Act where—

- (a) the licensee is operating within the conditions, restrictions or requirements subject to which the licence was granted;
- (b) there has been no change in the circumstances which existed at the time the licence was granted;
- (c) the licensee has not been convicted of an offence involving fraud or dishonesty;
- (d) the licensee is registered with the Supervisory Authority; and
- (e) the licensee satisfies any prescribed conditions.

(2) The application for the renewal of a licence granted under this Act shall be made to the Minister, not later than three months before the date of expiration of the current licence, in the prescribed form and the applicant shall pay the prescribed fee.

Revocation of licence

9. The Minister may revoke a licence granted under this Act where—

- (a) the licensee is no longer eligible to carry on business as a scrap metal collector or a scrap metal dealer;
- (b) the licensee is no longer operating within any conditions, restrictions or requirements subject to which the licence was granted;
- (c) there has been a change in the circumstances which existed at the time the licence was granted;
- (d) the licensee has been convicted of an offence involving fraud or dishonesty; or
- (e) the licensee is conducting his business in breach of any prescribed conditions.

Variation of licence

10. (1) The Minister may vary a licence where there are changes which materially affect the accuracy of the information which the applicant has provided in connection with the application, including a change of the name of the licensee, site manager, or the name of the scrap metal site or other prescribed matters.

(2) The power to amend the name of the licensee does not include the power to transfer the licence from one person to another.

(3) An application under this section shall contain particulars of the changes to be made to the licence.

(4) The application for a variation of a licence granted under this Act shall be made to the Minister in the prescribed form and the applicant shall pay the prescribed fee.

Suspension of licence

11. (1) Subject to section (2), the Minister may, by serving a prescribed notice, suspend a licence if—

- (a) the licensee is in breach of—
 - (i) any provision of this Act or any regulations made thereunder; or

- (ii) any conditions, requirements or restrictions subject to which the licence is granted;
- (b) a licensee has been convicted of an offence under this Act or any regulations made thereunder;
- (c) he is satisfied that it is not possible to carry out a proper inspection of any premises to which a licence relates;
- (d) the scrap metal site of a licensee is no longer appropriate for conducting the business of dealing in scrap metal;
- (e) a licensee is no longer a fit and proper person, as prescribed, to be a licensee; or
- (f) a licensee notifies the Minister in writing that he intends to cease the operations for which he is licensed for the period stated in the notice.

(2) Before suspending a licence under subsection (1)(a) or (c), the Minister shall notify the licensee in writing of the proposed suspension—

- (a) stating the reason therefor;
- (b) requiring the licensee, in the case of a breach, to remedy the breach within the time specified in the notice.

(3) A licensee who is served with a notice of suspension of a licence shall, after remedying the breach which gave rise to the suspension, notify the Minister in writing that the breach has been remedied.

(4) The Minister shall, upon receipt of a notice referred to in subsection (3), cause an inspection to be carried out within ten days of the receipt of the notice and if, on inspection, an authorised officer is satisfied that the breach has been remedied, he shall report in writing to the Minister who shall withdraw the notice of suspension.

Representation in
case of refusal,
non-renewal, or
revocation of licence

12. (1) If the Minister proposes to—

- (a) refuse to grant a licence under section 7;
- (b) refuse to renew a licence under section 8; or
- (c) revoke a licence under section 9,

he shall give the applicant or licensee a notice which sets out what he proposes to do and the reasons for it.

(2) A notice under subsection (1) shall also state that, within the period specified in the notice, the applicant or licensee may either—

- (a) make representations about the proposal; or
- (b) inform the Minister that he wishes to do so.

(3) The period specified in a notice under this section shall be not less than fourteen days beginning with the date on which the notice is given to the applicant or licensee.

(4) The Minister may refuse an application for a licence under section 7, or not renew or revoke a licence under section 8 or 9, respectively, if—

- (a) within the period specified in the notice, the applicant or licensee informs the Minister that he does not wish to make representations; or
- (b) the period specified in the notice expires and the applicant or licensee has neither made representations nor informed the Minister that he wishes to do so.

(5) If, within the period specified in the notice, the applicant or licensee informs the Minister that he wishes to make representations, the Minister—

- (a) shall allow the applicant or licensee a further reasonable period to make representations; and

(b) may refuse the application under section 7, or not renew or revoke the licence under section 8 or 9, respectively, if the applicant or licensee fails to make representations within the period specified in paragraph (a).

(6) If the applicant or licensee makes representations, either within the period specified in the notice under subsection (1) or within the further period under subsection (5), the Minister shall consider the representations.

(7) If the applicant or licensee informs the Minister that he wishes to make oral representations, the Minister shall give him the opportunity of appearing before, and being heard by, a person appointed by the Minister.

Notice of decision

13. If the Minister refuses an application under section 7, or refuses to renew or revokes a licence under section 8 or 9, respectively, the Minister shall give the applicant or licensee a notice setting out the decision and the reasons for it.

Non-transferability of licence

14. (1) A person to whom a licence has been issued under this Act is prohibited from transferring or assigning the licence to another person.

(2) For the avoidance of doubt, where a scrap metal dealer sells, transfers or in any way parts with the ownership of a scrap metal site, the licence for that site shall not pass with the sale or transfer, and the new owner shall apply for a scrap metal dealer's licence in order to conduct the business of dealing in scrap metal at that site.

PART III

CONDUCT OF SCRAP METAL BUSINESS

Restriction on transportation of scrap metal

15. No person shall transport scrap metal for the purpose of dealing in scrap metal unless he holds a scrap metal collector's licence issued by the Minister.

Conduct of business
by a scrap metal
collector

16. (1) The holder of a scrap metal collector's licence shall display a copy of the licence on any motor vehicle or goods vehicle that is being used in the course of the collector's business.

(2) The copy shall be displayed in a manner which enables it to be read easily by a person outside the motor vehicle or goods vehicle.

(3) The holder of a scrap metal collector's licence is authorised to carry on business as a mobile collector throughout the country.

(4) For the purpose of subsection (3), a "mobile collector" means a licensee who carries on business as a scrap metal collector otherwise than at a scrap metal site, and regularly engages, in the course of that business, in collecting scrap metal, whether for a price or not, by means of visits from door to door.

(5) A scrap metal collector shall—

(a) not purchase nor receive scrap metal from a person without verifying the person's full name and address; and

(b) obtain a signed and dated statement of ownership from the person that he is—

(i) the legal owner of the scrap metal; or

(ii) lawfully entitled to sell the scrap metal.

(c) not off-load, store, pack or sort scrap metal at any premises that are not a scrap metal site specified in a scrap metal dealer's licence.

(6) The verification referred to in subsection (5)(a) shall be by reference to documents, data or other information obtained from a reliable and independent source, including a valid passport, valid driver's licence or valid national identification card.

17. (1) No person shall carry on the business of a ^{Conduct of business} scrap metal site unless he obtains a scrap metal dealer's ^{by a scrap metal} licence. ^{dealer}

(2) An applicant for a scrap metal dealer's licence shall ensure that the proposed scrap metal site meets such conditions as may be prescribed.

(3) A scrap metal dealer who holds a scrap metal dealer's licence shall display in a prominent place in an area accessible to the public at each scrap metal site identified in the licence—

(a) a copy of the licence; and

(b) over one of the principal entrances to the site a sign with legibly printed letters of at least two inches in length, the name in full of the person holding the licence and the words "Licensed Scrap Metal Site".

(4) A person carries on business as a scrap metal dealer if the person carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought.

(5) For the purpose of subsection (4), a person who manufactures articles is not to be regarded as selling scrap metal if that person sells scrap metal only as a by-product of manufacturing articles or as surplus materials not required for manufacturing them.

18. (1) No person shall—

(a) purchase or receive scrap metal except between the hours of seven o'clock in the morning and six o'clock in the evening;

(b) sort, pack, load scrap metal at a scrap metal site except between the hours of seven o'clock in the morning and six o'clock in the evening;

Circumstances for
dealing

- (c) purchase, receive or enter into any other transaction in relation to scrap metal with a person under the age of eighteen years;
- (d) employ any person under the age of eighteen years to purchase, receive or enter into any other transaction with another person in relation to scrap metal;
- (e) deal in scrap metal with any person who is under the influence of any intoxicating liquor or drug, when the condition is visible or apparent.

(2) A person who is issued a scrap metal dealer's licence in accordance with section 6 shall operate as a scrap metal dealer from the scrap metal site listed in the licence.

(3) The loading of scrap metal into freight containers shall only be done at a scrap metal site listed in a scrap metal dealer's licence.

Retention of scrap metal for specified days

19. (1) Subject to subsection (2), scrap metal purchased or received by a licensed scrap metal dealer shall be kept in the scrap metal site and shall not in any way be changed in form or shape or disfigured, used, sold, loaned or otherwise disposed of from the site for a period of fifteen days after the scrap metal have been purchased or received.

(2) The Minister on an application by a scrap metal dealer may grant the dealer a permit—

- (a) for the shipment or alteration in form or shape of any such scrap metal without the same having been kept for such period of fifteen days; or
- (b) for the shipment of broken machinery direct from the place where the same is purchased, without compliance with this section.

20. (1) Where—Change of business
premises

- (a) a person wishes to engage as a scrap metal dealer from an address other than the address that his licence states; and
- (b) the duration of his licence has not expired,

he shall make an application in accordance with section 6 for a new licence in respect of the new address.

(2) Where the person is issued a new scrap metal dealer's licence, the Minister shall cause an appropriate entry to be made of the new licence in the register in accordance with section 31.

21. (1) A scrap metal dealer shall keep an accurate and legible record of scrap metal that is stored, received and disposed of at his scrap metal site. Scrap metal records

(2) A scrap metal collector shall keep an accurate and legible record of scrap metal that is purchased or received during the course of his business as a scrap metal collector.

(3) The record of a transaction referred to in this section may be in a written form or an electronic form.

(4) The scrap metal dealer shall make a record of a transaction that he makes with a person at the time of the transaction and the record shall include the following information:

- (a) the name, address and age of the person from whom the scrap metal is received as evidenced by a valid passport, driver's permit or national identification card;
- (b) other details of the person from whom the scrap metal is received, including the person's date of birth, gender, race, eye colour and hair colour, where applicable, distinguishing marks, residential address and telephone number, and where applicable, business address and telephone number

of the business; a copy of the person's identification as evidenced by a valid passport, driver's permit or national identification card;

- (c) a description of the scrap metal including any serial number, unique identification marks including numbers or letters, engravings, patterns, weight, brand name, model number, colour, size, weight, type and number of each item;
- (d) the date, time and place of receipt of the scrap metal;
- (e) the price of the scrap metal if it has been ascertained at the time the entry is made in the book;
- (f) the vehicle registration number of any motor vehicle or goods vehicle used to deliver the scrap metal;
- (g) if a person other than the seller delivers the scrap metal to the scrap metal dealer, the name, address and age of the person who delivered the scrap metal; and
- (h) a statement of ownership that is signed and dated by the person who delivered the scrap metal.

(5) The scrap metal dealer for tax purposes shall keep records of—

- (a) reconciliations of daily cash balances which include the amounts used to purchase scrap metal;
- (b) copies of all cheques issued and received; and
- (c) monetary advances made to suppliers.

(6) Where a scrap metal dealer receives a motor vehicle as scrap metal he shall keep a record of the following information:

- (a) details of the vehicle registration number, vehicle engine and chassis number, make, model and colour of the vehicle;
- (b) the general condition of the vehicle at the time of sale including whether the vehicle is damaged, and if so, whether the damage has been caused by fire, water or impact and the part of the vehicle damaged;
- (c) the name, address, age and contact details of the supplier of the vehicle; and
- (d) details of any proof of identity as evidenced by a valid passport, driver's permit or national identification card.

22. A scrap metal collector and a scrap metal dealer Retention of records shall keep, as prescribed, a record of every transaction in relation to his scrap metal business for a period of not less than six years after the date of the transaction.

PART IV

EXPORT OF SCRAP METAL

23. (1) No person shall export scrap metal unless he Export of scrap metal Act No. 19 of 1958 obtains a licence from the Minister under the Trade Ordinance, 1958.

(2) A person who exports scrap metal shall keep as part of his record, as prescribed, a record of all scrap metal export transactions.

(3) The prescribed record shall be approved and signed by the police officer and the Scrap Metal Inspector who are present for the loading of scrap metal into a freight container.

Notice to export
scrap metal

24. (1) A person who exports scrap metal shall give at least seven days written notice to the Minister and the Commissioner of Police of his intention to load the scrap metal for export.

(2) The written notice shall specify the location of the scrap metal site and the time of the loading of scrap metal into a freight container.

(3) Where a notice is given under subsection (1), the Minister and the Commissioner of Police shall ensure the relevant officers are present at the scrap metal site to conduct inspections whilst the scrap metal is being loaded.

(4) The loading of a freight container for the export of scrap metal shall be done only at a scrap metal site specified in the licence of a licensed scrap metal dealer.

(5) Where on inspection of the scrap metal it is found to be fit for export, the Scrap Metal Inspector shall issue a fit for shipping certificate, as prescribed, after payment of the prescribed fee, and the certificate shall also be signed and dated by the police officer present.

(6) Scrap metal in a scrap metal site may be held for five days for viewing by any member of the public, and the licensed exporter, upon written notice from any member of the public, shall afford that person a reasonable opportunity to view the scrap metal before loading for export.

PART V

INSPECTIONS

Inspection of
premises

25. (1) An authorised officer may, at any reasonable time, enter any scrap metal site specified in a scrap metal dealer's licence during working hours or such other times as the scrap metal site is open to the public or otherwise in use by the licensee, for the purpose of the exercise of his powers under this Act.

(2) An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination as may be necessary to verify compliance with this Act and any applicable conditions, requirements or restrictions of a scrap metal dealer's licence.

(3) An authorised officer may, if necessary, use reasonable force in the exercise of his powers under this Act.

(4) A scrap metal site is within this section if—

- (a) the site is a scrap metal site specified in the scrap metal dealer's licence; or
- (b) the site is not a site specified in the scrap metal dealer's licence but there are reasonable grounds for believing that the site is being used by a scrap metal dealer in the course of dealing in the business of scrap metal.

(5) The—

- (a) licensee, or his representative;
- (b) site manager;
- (c) person in whose custody or charge the scrap metal dealer's records and scrap metal may be; or
- (d) person who has made any entry in the scrap metal dealer's records with respect to which the authorised officer may desire to ask any questions,

shall permit the authorised officer to enter the scrap metal site and inspect the scrap metal dealer's records and all scrap metal, and shall answer any question as may be asked by the authorised officer with reference to the scrap metal dealer's records and scrap metal or any of the entries or contents of the scrap metal dealer's records.

(6) An authorised officer may enter a scrap metal site when open for business and inspect any motor vehicle or goods vehicle, or container or other vessel which is used or intended to be used for the storage or transportation of scrap metal.

(7) Where a Magistrate is satisfied by information or oath given by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed in any dwelling house, he may issue a warrant authorising the police officer to—

- (a) enter, at any time within one month from the date of the warrant, the place named in the warrant with force, if necessary, and inspect that place;
- (b) detain a person found in that place in respect of whom there is reasonable suspicion regarding the commission of an offence under this Act; or
- (c) seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law.

Inspection of person

26. (1) Where a police officer reasonably suspects that a person has in his possession any scrap metal of which he is not the lawful owner or is lawfully entitled to possess, the police officer may stop and search the person.

(2) Where the police officer finds the person to be in possession of any scrap metal and reasonably believes that the person is not the lawful owner or is not lawfully entitled to be in possession of that metal, the police officer shall arrest and take the person to the nearest police station and seize the scrap metal for investigation.

(3) A police officer may arrest a scrap metal collector or scrap metal dealer who fails to produce any prescribed record for inspection in relation to scrap metal in his possession and seize the scrap metal for investigation.

PART VI

SCRAP METAL INSPECTORS

Designation of Scrap
Metal Inspector

27. (1) The Minister may, by Order, designate any person to be Scrap Metal Inspectors for the purpose of this Act, to inspect scrap metal sites at reasonable times during working hours or such other times as the scrap metal site is open to the public or otherwise in use by the licensee, to ensure compliance with this Act or any conditions, restrictions or requirements subject to which a licence is granted.

(2) The designation of a person as a Scrap Metal Inspector shall be published in the *Gazette*.

(3) A Scrap Metal Inspector shall be furnished with an identification card and upon entering any scrap metal site shall prominently display the identification card.

Duties of Scrap
Metal Inspector

28. The duties of a Scrap Metal Inspector shall be to—

- (a) examine the scrap metal site, facilities, and site equipment;
- (b) interview the staff working at the scrap metal site;
- (c) certify scrap metal for export;
- (d) take samples or photographs of scrap metal;
- (e) inspect any motor vehicle or goods vehicle, or container, ship or other vessel which is used or intended to be used for the storage or transportation of scrap metal;

- (f) open and examine any motor vehicle or goods vehicle, or container or other vessel at a scrap metal site containing scrap metal;
- (g) tag scrap metal and any motor vehicle or goods vehicle, container, ship or other vessel in which it is stored which contravenes or which the Inspector believes to contravene this Act;
- (h) give directives to the operator of any motor vehicle, goods vehicle, aircraft or ship, or container or other vessel which is used or intended to be used for the storage or transportation of scrap metal;
- (i) examine and where necessary, make copies of, or take extracts from any records and documents required to be kept under this Act; and
- (j) performs such other duties as may be prescribed.

PART VII

REGISTERS

Registers of licences **29.** (1) The Minister shall establish and maintain a separate register for each type of licence and shall cause each licence which is granted to be registered in the appropriate register.

(2) The Minister shall also establish and maintain a private register containing any information submitted in an AML/CFT/PF risk assessment questionnaire referred to in section 4(4)(b).

(3) A register may be established and maintained in a written form and an electronic form.

(4) A register shall contain such information as may be prescribed.

30. (1) The Minister shall have custody of the registers and all documents which relate to them. Custody of and access to registers

(2) The Minister shall, upon payment of the prescribed fee, allow any person to inspect the public registers, which are in written form, during normal business hours.

(3) A public register shall at all reasonable times also be accessible to the public on a website established by the Ministry.

(4) The Minister shall, upon payment of the prescribed fee, provide a person with a certified copy of or an extract from the public registers.

(5) The Minister may, on his own motion, or when requested by the Supervisory Authority, Police Service, Environmental Management Authority or a Corporation provide a certified copy of or an extract from the registers in accordance with the request.

(6) The Minister shall not disclose information provided in an application for a licence referred to in section 6 or in an AML/CFT/PF risk assessment questionnaire referred to in section 4, except—

- (a) to the Supervisory Authority;
- (b) for the purpose of law enforcement or court proceedings;
- (c) pursuant to an order of the High Court; or
- (d) where required under any written law.

31. (1) The Minister shall ensure that the information contained in each register is correct and updated. Management of registers

(2) The Minister may, for the purpose of subsection (1), amend a register to correct and update the information contained therein.

(3) The Minister shall—

- (a) where a licence is granted, insert the name of the licensee into the appropriate register of licences;

- (b) where a licence is suspended, insert the name of the suspended licensee into the appropriate register of the suspension; and
- (c) where a licence is revoked, remove the name of the licensee from the appropriate register of licences and insert the name of the revoked licensee into the appropriate register of the revocation.

(4) The Minister shall have the power to restore names to the register of licences from time to time, in appropriate circumstances.

Notification of
change of
information

32. (1) The holder of a scrap metal collector's licence or a scrap metal dealer's licence shall, in writing, promptly inform the Minister—

- (a) if he ceases to carry on the business of a scrap metal collector or a scrap metal dealer;
- (b) if he is no longer operating within the conditions, restrictions or requirements subject to which his licence was granted; or
- (c) of any changes to the information submitted in relation to the application for his licence.

(2) The person who provides the information referred to in subsection (1) to the Minister shall—

- (a) state his name, telephone number and address; and
- (b) place his signature and the date he provides the information,

next to the information that he provides.

(3) Where the Minister receives a change of information pursuant to subsection (1), he shall cause the appropriate notations to be made in respect of the changes in the appropriate register.

PART VIII

ADMINISTRATIVE FINES

33. (1) Where the Permanent Secretary of the Ministry has reasonable cause to believe that a person has committed a prescribed summary offence, the Permanent Secretary may issue to that person a notice offering the person the opportunity to dispense with any liability to conviction in respect of that offence by payment of the prescribed administrative fine.

(2) Where a person is given a notice under this section, criminal proceedings shall not be taken against him for the offence specified in the notice until the expiration of twenty-one days commencing from the day after which the notice was served.

(3) Where a person fails to pay the administrative fine referred to in subsection (1), or where he pays the administrative fine but continues to commit the offence after the expiration of twenty-one days following the date of service of the notice referred to in subsection (1), that person is liable for the offence committed.

(4) Where a person paid an administrative fine under subsection (1), but continues to commit the offence and is convicted under subsection (3), he is liable for the offence from the date after which he made the payment.

(5) Payment of an administrative fine under this section shall be made to the Ministry and a certificate that payment of the penalty was made to the Ministry by the specified date shall, if the certificate purports to be signed by an officer authorised by the Permanent Secretary of the Ministry, be admissible as evidence of the facts stated therein.

(6) All monies received under this section shall be credited to the Consolidated Fund.

(7) A notice under subsection (1) shall—

(a) specify the offence alleged;

- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and
- (c) state—
 - (i) that criminal proceedings shall not be laid until the expiration of twenty-one days from the date of service of the notice where payment of the administrative fine is made and the commission of the offence is discontinued;
 - (ii) the amount of the administrative fine and the fact that it is to be paid to the Ministry; and
 - (iii) that the Ministry shall not accept any payments in respect of a notice under subsection (1) after the expiration of the twenty-one days.

(8) In any proceedings for an offence to which this section applies, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of an administrative fine thereunder unless in the course of the proceedings or in some document which is before the Court in connection with the proceedings, reference has been made by, or on behalf of the accused to the giving of such a notice, or, as the case may be, to such payment.

PART IX

OFFENCES

General offences

34. (1) A person who knowingly gives false or misleading information on an application for a licence under this Act commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or

- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.
- (2) A person—
 - (a) who carries on the business of a scrap metal collector without a scrap metal collector's licence;
 - (b) who, having been granted a scrap metal collector's licence, fails to notify the Minister of any alteration in the particulars of his scrap metal business; or
 - (c) who is found to be in breach of the conditions, restrictions or requirements subject to which his licence was granted,commits an offence and is liable on—
 - (d) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for two years; or
 - (e) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for three years.
- (3) A person—
 - (a) who carries on business as a scrap metal dealer without a scrap metal dealer's licence issued under this Act;
 - (b) who operates a scrap metal site not specified in his licence;
 - (c) who, having been granted a scrap metal dealer's licence, fails to notify the Minister of any alteration in the particulars of his scrap metal business; or
 - (d) who is found to be in breach of any conditions, requirements or restrictions subject to which the licence was granted,

commits an offence and is liable on—

- (e) summary conviction to a fine of three hundred thousand dollars and to imprisonment for three years; or
- (f) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for five years.

(4) A licensed scrap metal collector who fails to display his licence in the motor vehicle or goods vehicle used in his business as a scrap metal collector commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(5) A licensed scrap metal collector who displays an invalid or false licence in the motor vehicle or goods vehicle used in his business as a scrap metal collector imputing that he is a licensed scrap metal collector commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(6) A licensed scrap metal dealer who fails to display his licence in a prominent place in an area accessible to the public at each scrap metal site listed in his licence, or the signed required to be displayed in accordance with section 17(3)(b) commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or

(b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(7) A licensed scrap metal dealer who displays an invalid or false licence at any scrap metal site listed in his licence imputing that he is a licensed scrap metal dealer commits an offence and is liable on—

(a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or

(b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(8) A person who is granted a licence under this Act and fails to notify the Minister of any changes which materially affect the accuracy of any information contained in the Register commits an offence and is liable on—

(a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or

(b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(9) A licensee who fails to verify the identity of a person from whom he purchases or receives scrap metal commits an offence and is liable on—

(a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or

(b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(10) A person who contravenes section 14 commits an offence and is liable on—

- (a) summary conviction to a fine of three hundred thousand dollars and to imprisonment for three years; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for five years.

(11) A licensee who fails to keep the proper records as prescribed under this Act commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(12) A person who contravenes sections 18, 23 or 24 commits an offence and is liable on—

- (a) summary conviction to a fine of three hundred thousand dollars and to imprisonment for three years; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for five years.

(13) A scrap metal dealer who fails to produce any book, document or record which an authorised officer has a right to inspect under this Act commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(14) A scrap metal dealer who alters, changes in shape or form, or disfigures any scrap metal received or purchased, before the expiry of fifteen days from the date of receipt or purchase commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(15) A person who exports scrap metal and who knowingly falsifies information on the export documentation about the contents of a freight container commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(16) A person who assaults, obstructs or resists an authorised officer in the execution of his duty or aids or incites another person so to assault, obstruct, or resist an authorised officer in the execution of his duty under this Act, except a police officer, commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(17) A person who assaults, obstructs or resists a police officer in the execution of his duty or aids or

incites another person so to assault, obstruct, or resist a police officer in the execution of his duty under this Act commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(18) A person found in possession of any scrap metal, articles of metal, metal equipment or metal infrastructure reported missing or stolen commits an offence and is liable on—

- (a) summary conviction for a—
 - (i) first offence to a fine of two hundred and fifty thousand dollars and to imprisonment for two years; or
 - (ii) second or any subsequent offence to a fine of three hundred thousand dollars and to imprisonment for three years; or
- (b) conviction on indictment for a—
 - (i) first offence to a fine of five hundred thousand dollars and to imprisonment for five years; or
 - (ii) second or any subsequent offence to a fine of one million dollars and to imprisonment for seven years.

(19) A person who alters a register without lawful authority commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year; or

(b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for two years.

(20) A person licensed under this Act who, after notice has been given to him by a police officer or by advertisement in the *Gazette* that any scrap metal have been stolen or fraudulently obtained, fails to give information to the police that articles of the like description were offered to him or were or are in his possession commits an offence and is liable on—

(a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for two years; or

(b) conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for three years.

PART X

MISCELLANEOUS

35. Where under this Act a period of time is specified Power to vary time for the doing of anything, the Minister may, by Order, vary that period.

36. A person who is aggrieved by a decision of the Appeal Minister under this Act is entitled to file an appeal against that decision, within thirty days of being informed of that decision, to High Court.

37. (1) Where a person licensed under this Act is Licence may be revoked or suspended on conviction convicted of an offence under this Act, the Court may revoke or suspend the licence of the person.

(2) Where the Court makes an order of revocation or suspension of a licence in accordance with subsection (1), the Court shall—

(a) cause a notice of the revocation or suspension of the licence to be published in the *Gazette* and in at least one daily newspaper circulated in Trinidad and Tobago; and

(b) immediately forward to the Minister, the Supervisory Authority and the Commissioner of Police a copy of the order.

(3) The Minister shall—

(a) retain the copy of the order as part of the records of the appropriate register; and

(b) immediately cause a notation of the order to be made in the appropriate register.

Consequential
reference
Chap. 84:07

38. A reference in any written law to the Old Metal and Marine Stores Act shall be construed as a reference to the Scrap Metal Act, 2022.

Transitional
provision
Chap. 84:07

39. (1) Notwithstanding the repeal of the Old Metal and Marine Stores Act by section 41, and subject to subsections (2) and (3), on the coming into force of this section, any licence issued under the Old Metal and Marine Stores Act, which is valid immediately before 31st December, 2022, shall, upon compliance with subsection (2) by the holder of the licence, be deemed to be a scrap metal dealer's licence under this Act until 14th April 2023, or such later date as the Minister may, by Order, determine.

(2) The holder of a licence under subsection (1) shall submit to the Minister a declaration, in the form set out in the Schedule, that he consents to the entry of authorised officers on his scrap metal site during working hours or such other times as the scrap metal site is open to the public or otherwise in use by him, for the purpose of the exercise of their powers under under this Act.

(3) The Minister may, in writing, impose on the holder of a licence under subsection (1) any conditions, requirements or restrictions as the Minister considers necessary and specify the scrap metal sites to which the licence applies.

40. The Minister may make regulations, subject to Regulations negative resolution of Parliament, to provide for any matter prescribed and generally to give effect to the purpose of this Act.

41. The Old Metal and Marine Stores Act is repealed. Repeal of written law Chap. 84:07

42. The written law set out in the First Column of the First Schedule is amended to the extent set out in the Second Column of the First Schedule. Consequential amendment

FIRST SCHEDULE

(Sec. 42)

NAME OF ACT	EXTENT OF AMENDMENTS
Proceeds of Crime Act, Chap. 11:27	<p>A. In the First Schedule, after the item listed as “Real Estate”, insert the following item:</p> <p style="padding-left: 40px;">“Scrap Metal Any person or entity licensed under the Scrap Metal Act, 2022.”</p> <p>B. In the Second Schedule, by inserting after the item numbered as (25), the following new item:</p> <p style="padding-left: 40px;">“(26) Offences under the Scrap Metal Act, 2022.”</p>

“SECOND SCHEDULE

[Sec. 39(2)]

I (insert name of licensee) of (insert address of licensee) consent to the entry of authorised officers on my scrap metal site during working hours or such other times as the scrap metal site is open to the public or otherwise in use by me, for the purpose of the exercise of their powers under the Scrap Metal Act, 2022.

Dated the day of....., 20

.....
Signature of licensee.

Passed in the House of Representatives this 14th day
of December, 2022.



Clerk of the House

Passed in the Senate this 16th day of December, 2022.



Clerk of the Senate